WILLIAM J. PORTANOVA, State Bar No. 106193 Attorney at Law 400 Capitol Mall, Suite 1100 Sacramento, CA 95814 3 Telephone: (916) 444-7900 Fax: (916) 444-7998 Portanova@TheLawOffices.com 5 Attorney for Defendant CALVIN VAN HUYNH 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION 11 12 UNITED STATES OF AMERICA. CASE NO. CR 3:17-cr-00106 SI 13 Plaintiff, STIPULATION REGARDING **EXCLUDABLE TIME PERIODS** 14 UNDER SPEEDY TRIAL ACT: V. 15 [PROPOSED] FINDINGS AND ORDER CALVIN VAN HUYNH, 16 DATE: June 9, 2017 17 TIME: 10:00 a.m. Defendant. COURT: Hon. Susan Illston 18 19 20 With the Court's permission, defendant Calvin Van Huynh and plaintiff United States of 21 America, by and through their undersigned attorneys, hereby stipulate as follows: 22 1. By previous order, this matter was set for status on June 9, 2017; 23 2. By this stipulation, defendant now moves to continue the status conference until 24 July 7, 2017, and to exclude time between June 9, 2017, and July 7, 2017. 25 Plaintiff does not oppose this request. 26 3. The parties agree and stipulate, and request that the Court find the following: 27 a. Counsel for defendant desires additional time to conduct investigation and

research related to the charges, to review and copy discovery for this matter

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STIPULATION REGARDING EXCLUDABLE TIME

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and to otherwise prepare for trial.

- b. Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
- c. The government does not object to the continuance.
- d. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed under the Speedy Trial Act.
- e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which the trial date must commence, the time period of June 9, 2017 to July 7, 2017, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.
- 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

| 1 | IT IS SO STIPULATED. | |
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| 2 3 | DATED: June 06, 2017 | /s/ William J. Portanova WILLIAM J. PORTANOVA |
| 5 | | Attorney for Defendant CALVIN VAN HUYNH |
| 6 7 | DATED: June 06, 2017 | /s/ Randall Leonard RANDALL LEONARD |
| 9 | | Assistant United States Attorney |
| 10 | IT IS SO FOUND AND ORDERED | |
| 11 | DATED: <u>June 6</u> , 2017 | THE HONORABLE SUSAN ILLSTON |
| 12 13 | | Senior United States District Judge |
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